

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

97-0578 CR-DAVIS

UNITED STATES OF AMERICA,

CASE NO.

21 U.S.C. § 963
21 U.S.C. § 952
21 U.S.C. § 846
21 U.S.C. § 841(a)(1)
18 U.S.C. § 2

v.

**MAGISTRATE JUDGE
BROWN**

MIGUEL JOSE AGUILERA-ASENCIO,
ALEJANDRA OSORIO VARGAS
and
BERNARDO RAMIREZ,

Defendants.

INDICTMENT

FILED BY *John*
97 JUL 24 PM 4:57
CLERK OF DIST. CT.
S.D. OF FLA. MIAMI
DC

The Grand Jury charges that:

COUNT I

From on or about July 9, 1997, to on or about July 18, 1997,
at Miami, Dade County, in the Southern District of Florida, and
elsewhere, the defendants,

MIGUEL JOSE AGUILERA-ASENCIO,
ALEJANDRA OSORIO VARGAS
and
BERNARDO RAMIREZ,

did knowingly and intentionally combine, conspire, confederate and
agree with persons known and unknown to the Grand Jury to import
into the United States, from a place outside thereof, a Schedule I
controlled substance, that is, a mixture and substance containing
a detectable amount of heroin, in violation of Title 21, United
States Code, Section 952(a);

All in violation of Title 21, United States Code, Section 963.

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Went

COUNT II

On or about July 16, 1997, at Miami, Dade County, in the Southern District of Florida, and elsewhere, the defendants,

MIGUEL JOSE AGUILERA-ASENCIO
and
ALEJANDRA OSORIO VARGAS,

did knowingly and intentionally import into the United States, from a place outside thereof, a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 952(a) and Title 18 United States Code, Section 2.

COUNT III

From on or about July 9, 1997, to on or about July 18, 1997, at Miami, Dade County, in the Southern District of Florida, the defendants,

MIGUEL JOSE AGUILERA-ASENCIO,
ALEJANDRA OSORIO VARGAS
and
BERNARDO RAMIREZ,

did knowingly and intentionally combine, conspire, confederate and agree with each other and with persons known and unknown to the Grand Jury, to possess with intent to distribute a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of heroin; in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

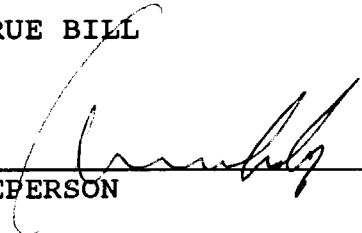
COUNT IV

On or about July 16, 1997, at Miami, Dade County, in the Southern District of Florida, the defendants,

MIGUEL JOSE AGUILERA-ASENCIO,
and
ALEJANDRA OSORIO VARGAS,

did knowingly and intentionally possess with intent to distribute a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of heroin; in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

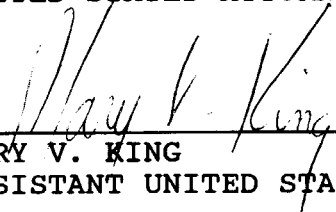
A TRUE BILL



FOREPERSON



WILLIAM A. KEEFER
UNITED STATES ATTORNEY



MARY V. KING
ASSISTANT UNITED STATES ATTORNEY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

97-0578

CR-DAVIS

UNITED STATES OF AMERICA

CASE NO.

MAGISTRATE JUDGE

BROWN

V.

**MIGUEL JOSE AGUILERA-ASENCIO,
ALEJANDRA OSORIO VARGAS and
BERNARDO RAMIREZ**

Court Division: (Select One)

**XX Miami Key West
FTL WPB FTP**

CERTIFICATE OF TRIAL ATTORNEY*

Related Case Information:

SUPERSEDING Yes **XX** No
New Defendant(s) Yes **XX** No
Number of New Defendants _____
Total number of counts 4

FILED BY _____
 1997 JUL 24 PM 4:57
 CLERK U.S. DIST. CT.
 S.D. OF FLA.-MIAMI

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) Yes
 List language and/or dialect Spanish
- This case will take 3 - 5 days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)		(Check only one)	
I	0 to 5 days <u>XX</u>	Petty	_____
II	6 to 10 days _____	Minor	_____
III	11 to 20 days _____	Misdem.	_____
IV	21 to 60 days _____	Felony	XX _____
V	61 days and over _____		
- Has this case been previously filed in this District Court? (Yes or No) No
 If yes:

Judge: _____ Case No. _____
 (Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) Yes

If yes:

Magistrate Case No. 97-3238-STB

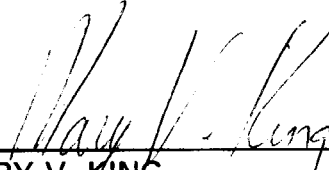
Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

7. This case originated in the U.S. Attorney's office prior to August 16, 1985
(Yes or No) No



MARY V. KING
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 0793991

*Penalty Sheet(s) attached

REV.12/12/96

A:\B.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

97-0578

CR-DAVIS

PENALTY SHEET

MAGISTRATE JUDGE
BROWN

Defendant's Name: MIGUEL JOSE AGUILERA - ASENSIO Case No:

Count #: I

21 U.S.C. § 963

Conspiracy to import heroin

*Max. Penalty: Life imprisonment

Count #: II

21 U.S.C. § 952(a)

Importation of heroin

*Max. Penalty: Life imprisonment

Count #III:

21 U.S.C. § 841(a)(1)

Conspiracy to possess with intent to distribute heroin

*Max. Penalty: Life imprisonment

Count #IV:

21 U.S.C. § 846

Possession with intent to distribute heroin

*Max. Penalty: Life imprisonment.

Count #:

*Max. Penalty:

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

FILED BY
JUL 24 PM 4:55
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI
DC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET **97-0578CR-DAVIS**

Defendant's Name: ALEJANDRA O. VARGAS **Case No:** _____ **MAGISTRATE JUDGE**
BROWN

Count #: I

21 U.S.C. § 963

Conspiracy to import heroin

***Max. Penalty:** Life imprisonment

Count #: II

21 U.S.C. § 952(a)

Importation of heroin

***Max. Penalty:** Life imprisonment

Count #III:

21 U.S.C. § 841(a)(1)

Conspiracy to possess with intent to distribute heroin

***Max. Penalty:** Life imprisonment

Count #IV:

21 U.S.C. § 846

Possession with intent to distribute heroin

***Max. Penalty:** Life imprisonment.

Count #:

***Max. Penalty:**

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

97-0578 CR-DAVIS

Defendant's Name: BERNARDO RAMIREZ Case No: _____

MAGISTRATE JUDGE
BROWN

Count #: I

21 U.S.C. § 963

Conspiracy to import heroin

*Max. Penalty: Life imprisonment

Count #: III

21 U.S.C. § 841(a)(1)

Conspiracy to possess with intent to distribute heroin

*Max. Penalty: Life imprisonment

Count #:

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97 JUL 24 PM 4:55
CLERK U.S. DISTRICT COURT
S.D. OF FLA.-MIAMI
DC

*Max. Penalty:

Count #:

*Max. Penalty:

Count #:

*Max. Penalty:

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

FORM DDD-14
JUN 88

No. **97-0578** **CR-DAVIS**

UNITED STATES DISTRICT COURT

SOUTHERN

District of

FLORIDA

MIAMI

Division

THE UNITED STATES OF AMERICA

vs.

MCQUEE, JOSE ~~MC~~ AGUILERA, et al. ASECNCIO

INDICTMENT

21 U.S.C. 963
21 U.S.C. 952
21 U.S.C. 846
21 U.S.C. 841(a) (1)
18 U.S.C. 2

A true bill.

Foreman

Filed in open court this

day,

of July AD 19 97

Clerk

Bail, \$

MAGISTRATE JUDGE
BROWN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 97-3244-Sanchez
3238-Brown

UNITED STATES OF AMERICA,

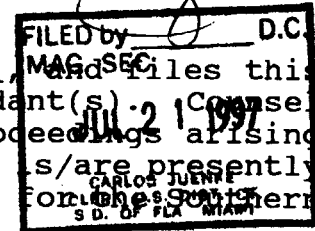
v.

NOTICE OF PERMANENT
APPEARANCE AS COUNSEL
OF RECORD

ALEJANDRA VARGAS

COMES NOW STEVEN KOLLIN

and files this appearance as counsel for the above named defendant(s). Counsel agrees to represent the defendant(s) for all proceedings arising out of the transaction with which the defendant(s) is/are presently charged in the United States District Court in and for the Southern District of Florida.



Counsel hereby states that this appearance is unconditional and in conformity with the requirements of Local General Rule 11.1(D) and Rule 4 of the Special Rules Governing the Admission and Practice of Attorneys.

Counsel acknowledges responsibility to advise the defendant(s) of the right of appeal, to file a timely notice of appeal if requested to do so by the defendant(s), and to pursue that appeal unless relieved by Court Order.

FEE DISPUTES BETWEEN COUNSEL AND CLIENT SHALL NOT BE A BASIS FOR WITHDRAWAL FROM THIS REPRESENTATION.

DATED: 7/21/97

Attorney STEVEN KOLLIN

Address 5025 COLLINS AVE. SUITE 1505

City MIAMI BEACH State FLA Zip Code 33140

Telephone (305) 232-8198

Florida Bar No. 174373

The undersigned defendant(s) hereby consent(s) to the representation of the above counsel.

7/21/97

koia.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

Plaintiff,

v.

ALEJANDRA VARGAS (J) 52920-004

Defendant. DOB 12/14/63

CASE NO. 97-3238-BROWN

ORDER ON INITIAL APPEARANCE

Language SPANISHTape No. 97C 82-2AUSA JENA K

Agent _____

FILED by	D.C.
MAG SEC.	
JUL 21 1997	
CARLOS JUENKE CLERK U.S. DIST. CT S.D. OF FLA. MIAMI	

The above-named defendant having been arrested on 7/16/97 having appeared before the court for initial appearance on 7/21/97

and proceedings having been held in accordance with F.R.C.P. 5 or 40(a), it is thereupon

ORDERED as follows:

- STEVEN KOLLIN RSA appeared as permanent/~~temporary~~ counsel of record.
Address: _____
Zip Code: _____ Telephone: _____
- _____ appointed as permanent counsel of record.
Address: _____
Zip Code: _____ Telephone: _____
- The defendant shall attempt to retain counsel and shall appear before the court at 10:00 A.M. on _____, 1997.
- Arraignment/Preliminary/Removal/Identity hearing is set for 10am 7/30/, 1997.
- The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because _____
A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am _____, 1997.
- The defendant shall be release from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:
STIPULATED \$50,000 PERS SUB W/10% DEF IN REG.

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

- ☒ a. Surrender all passports and travel document to the Pretrial Services Office.
- ☒ b. Report to Pretrial Services as follows: 2 times a week by phone, 2 time a week in person; other: _____
- ☐ c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
- ☒ d. Maintain or actively seek full time gainful employment.
- ☐ e. Maintain or begin an educational program.
- ☐ f. Avoid all contact with victims of or witnesses to the crimes charged.
- ☐ g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- ☐ h. Comply with the following curfew: _____
- ☐ i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.

[Handwritten signature]

VAF 3

___j. Comply with the following additional special conditions of this bond:

This bond was set: At Arrest _____
On Warrant _____
After Hearing _____

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

_____. If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Miami, Florida, this 21ST day of JULY, 1997.


UNITED STATES MAGISTRATE JUDGE
BARRY L. GARBER

c: Assistant U.S. Attorney
Defendant
Counsel
U.S. Marshal
Pretrial Services/Probation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

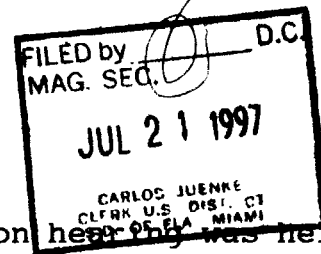
CASE NO: 97-3238-Brown

UNITED STATES OF AMERICA,
Plaintiff,

vs.

MIGUEL AGUILERA
Defendant.

STIPULATED
ORDER



Pursuant to the Bail Reform Act, a detention hearing was held this date in accordance with 18 U.S.C. Section 3142(f). At the conclusion of the evidentiary hearing, the findings of fact and conclusions of law required by the Act were dictated into the record. It is thereupon

ORDERED AND ADJUDGED as follows:

1. The Defendant NAMED ABOVE shall be detained pending trial in this case for the reasons stated on the record by the Court. DET RETAINS RIGHT TO FUTURE HNG
2. A final Order of Detention memorializing the dictated findings and conclusions shall be entered forthwith.

DONE AND ORDERED in Miami, Florida this 21 day of JULY, 1997.

TAPE NO. 97C 82-1800

[Signature]
UNITED STATES MAGISTRATE JUDGE

c: AUSA
Defense Counsel
Pretrial Services
U.S. Marshal

BARRY L. GARBER

[Handwritten signature]

koia.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDACASE NO. 97-3238 - Brown

UNITED STATES OF AMERICA

Plaintiff,

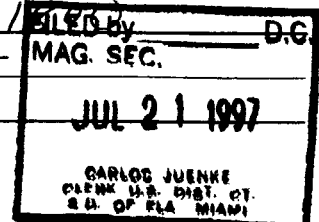
v.

MIGUEL AQUILERA (J) 52918-004
Defendant. DOB 5/14/67

ORDER ON INITIAL APPEARANCE

Language SPANISHTape No. 97C 82-1AUSA JENA KING

Agent _____



The above-named defendant having been arrested on 7/16/97 having appeared before the court for initial appearance on 7/21/97

and proceedings having been held in accordance with F.R.C.P. 5 or 40(a), it is thereupon

ORDERED as follows:

1. _____ appeared as permanent/temporary counsel of record.
Address: _____
Zip Code: _____ Telephone: _____
2. DAN FOLMAN appointed as permanent counsel of record.
Address: _____
Zip Code: _____ Telephone: _____
3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 A.M. on _____, 1997.
4. Arraignment/Preliminary/~~Removal/Identity~~ hearing is set for 10am JULY 30, 1997.
5. The defendant is held in ~~temporary~~ pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because STIPULATED RISK OF FLIGHT.
A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am, 1997.
6. The defendant shall be release from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

- ☐ a. Surrender all passports and travel document to the Pretrial Services Office.
- ☐ b. Report to Pretrial Services as follows: _____ times a week by phone, _____ time a week in person; other: _____
- ☐ c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
- ☐ d. Maintain or actively seek full time gainful employment.
- ☐ e. Maintain or begin an educational program.
- ☐ f. Avoid all contact with victims of or witnesses to the crimes charged.
- ☐ g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- ☐ h. Comply with the following curfew: _____
- ☐ i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.

AQUILERA

___j. Comply with the following additional special conditions of this bond:

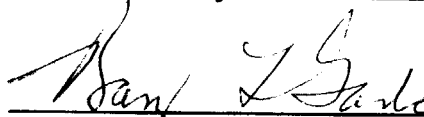
This bond was set: At Arrest _____
On Warrant _____
After Hearing _____

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

_____ If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Miami, Florida, this 21ST day of JULY, 1997.



**UNITED STATES MAGISTRATE JUDGE
BARRY L. GARBER**

c: Assistant U.S. Attorney
Defendant
Counsel
U.S. Marshal
Pretrial Services/Probation

12) Comments: _____

UNITED STATES DISTRICT COURT
Southern District of Florida

UNITED STATES OF AMERICA
Plaintiff

Case Number: CR 97-3238-Brown

-VS-

REPORT COMMENCING CRIMINAL
ACTION

Aguilera, Miguel
Defendant

5-291P-004
USMS NUMBER

TO: Clark's Office MIAMI
U.S. District Court

FT. LAUDERDALE W. PALM BEACH
FT. PIERCE

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN
MAGISTRATES COURT ABOVE.

All items are to be completed. Information not applicable or
unknown will be indicated "N/A".

- (1) Date and Time of Arrest: 7/16/97 6:00 am/pm
- (2) Language Spoken: Spanish
- (3) Offense(s) Charged: Importation of Heroin
Conspiracy - Heroin
- (4) U.S. Citizen ☐ Yes ☒ No ☐ Unknown
- (5) Date of Birth: 5/14/67
- (6) Type of Charging Document: (check one)
☐ Indictment ☒ Complaint to be filed already
Case# _____
- ☐ Bench Warrant for Failure to Appear
☐ Probation Violation Warrant
☐ Parole Violation Warrant

Originating District: _____

COPY OF WARRANT LEFT WITH BOOKING OFFICER ☐ YES ☐ NO

Amount of Bond: \$ _____

Who set Bond: _____

(7) Remarks: _____

(8) Date: _____

(9) Arresting Officer: _____

(10) Agency: _____

(11) Phone: _____

(12) Comments: _____

[Signature]

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

v.

MIGUEL JOSE AGUILERA
ALEJANDA OSORIO VARGAS

(Name and Address of Defendant)

CRIMINAL COMPLAINT

CASE NO. 97-3238-SJB

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From on or about July 12, 1997 to on or about July 18, 1997 in Miami, Florida, Dade County, in the Southern District of Florida, defendants did:

knowingly and intentionally conspire and agree to possess with intent to distribute a Schedule I controlled substance that is, a mixture and substance containing a detectable amount of heroin; and did knowingly and intentionally possess with intent to distribute a Schedule I controlled substance, that is, heroin

in violation of Title 21 United States Code, Section(s) 846, 841(a)(1)

I further state that I am a Special Agent, DEA and that this complaint is based on the following facts:

Official Title

Continued on the attached and made a part hereof:

☐ Yes

☒ No

SEE ATTACHED AFFIDAVIT

Signature of Complainant
Special Agent Shaun Perry
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence,

July 18, 1997

Date

at Miami, Florida

City and State

Stephen T. Brown
United States Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

I, Shaun Perry, being duly sworn, hereby depose and state the following:

1. I am a Special Agent with the United States Drug Enforcement Administration (DEA) assigned to the Miami Field Division, High Intensity Drug Trafficking Area (HIDTA) Task Force, and have been so employed for one year. The information contained in this affidavit is based upon my personal knowledge and that of other agents and officers.

2. On approximately July 9, 1997, I received information from a reliable confidential source (CS) that two individuals, ALEJANDRA OSORIO VARGAS and MIGUEL JOSE AGUILERA, were scheduled to travel to Aruba on board Air Aruba Flight Number 760 on July 12, 1997, to obtain an unknown quantity of heroin for importation into the United States. The confidential source explained that VARGAS and AGUILERA planned to orally ingest the heroin which was to be wrapped in latex in individual pellets. VARGAS and AGUILERA were then to return to Miami, Florida, via Air Aruba on or about July 14 or 15, 1997. Agents verified that VARGAS and AGUILERA in fact travelled outbound to Aruba on July 12, 1997.

3. From July 14 through July 16, 1997, agents queried flight manifests for passengers ALEJANDRA OSORIO VARGAS and MANUEL JOSE AGUILERA for all inbound Air Aruba flights destined to Miami, Florida from Aruba with negative results.

4. On July 16, 1997, I received information from the confidential source that VARGAS and AGUILERA had arrived at Miami International Airport and were en route to VARGAS' residence on

Miami Beach. The CS explained that AGUILERA intended to pass the pellets of heroin but wished to do so away from Miami International Airport.

5. At approximately 5:30 p.m. on July 16, 1997, I, along with other agents and officers, established surveillance at VARGAS' apartment building located at 934 Michigan Avenue, Miami, Beach, Florida, and at AGUILERA's apartment building located at 632 10th Street, Miami Beach, Florida, approximately three blocks from VARGAS' residence. At approximately 6:10 p.m., I observed AGUILERA walking away from VARGAS's building carrying a travel garment bag and a small compact disk carrying case. I approached AGUILERA, identified myself as a Special Agent with DEA and asked him for identification which he provided.

6. After confirming AGUILERA's identity, AGUILERA spoke with myself and other agents and advised that he had just arrived from Aruba, was just leaving the apartment of the woman with whom he had travelled to Aruba and was en route to his own apartment. AGUILERA admitted to the agents that both he and the woman had ingested heroin. AGUILERA was then placed under arrest.

7. Agents then approached VARGAS' apartment. VARGAS informed the agents that she had just returned from Aruba. VARGAS was then placed under arrest and transported to Mount Sinai Hospital emergency room along with AGUILERA.

8. Both VARGAS and AGUILERA were X-rayed which revealed the presence of pellets in their stomachs and intestinal tracts. From July 16 through July 18, 1997, at Mount Sinai Hospital, VARGAS

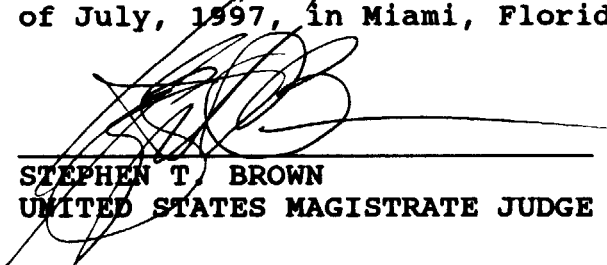
passed a total of 65 pellets which contained a substance which field-tested positive for the presence of heroin. During this time, AGUILERA also passed a total of 35 pellets which contained a substance which field-tested positive for the presence of heroin. On July 17, 1997, agents discovered approximately 30 additional pellets of heroin contained within AGUILERA's travel garment bag. In total, agents seized approximately one kilogram of heroin from both VARGAS and AGUILERA.

FURTHER AFFIANT SAYETH NAUGHT



**SHAUN PERRY
SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION**

Sworn to and subscribed
before me this 18th day
of July, 1997, in Miami, Florida.



**STEPHEN T. BROWN
UNITED STATES MAGISTRATE JUDGE**

1. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.

RAMIREZ

__j. Comply with the following additional special conditions of this bond:

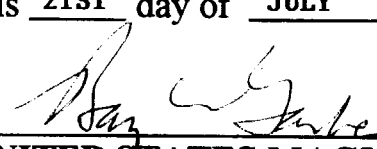
This bond was set: At Arrest _____
On Warrant _____
After Hearing _____

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

____ If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Miami, Florida, this 21ST day of JULY, 1997.



**UNITED STATES MAGISTRATE JUDGE
BARRY L. GARBER**

c: Assistant U.S. Attorney
Defendant
Counsel
U.S. Marshal
Pretrial Services/Probation

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

BERNARDO RAMIREZ

CASE NUMBER:

97-3244-1SLG

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about 7/9/97 to on or about 7/18/97 in Dade county, in the Southern District of Florida defendant(s) did,

knowingly and intentionally possess and conspire to possess with intent to distribute a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of heroin,

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 846

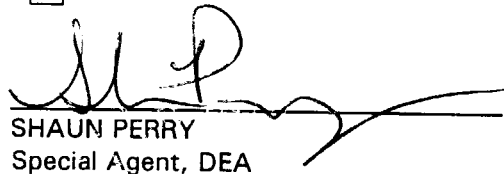
I further state that I am a Special Agent of DEA and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached and made a part hereof:

☒ Yes ☐ No


SHAUN PERRY
Special Agent, DEA

Sworn to before me, and subscribed in my presence,

Aug 19th, 1997
Date

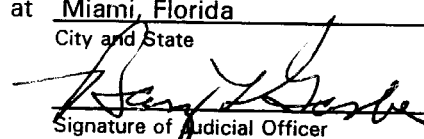
BARRY L. GARBER

Name and Title of Judicial Officer

BARRY GARBER

UNITED STATES ~~OF~~ MAGISTRATE JUDGE

at Miami, Florida
City and State


Signature of Judicial Officer

2 ps

AFFIDAVIT

I, Shaun Perry, being duly sworn, hereby depose and state the following:

1. I am a Special Agent with the United States Drug Enforcement Administration (DEA) assigned to the Miami Field Division, High Intensity Drug Trafficking Area (HIDTA) Task Force, and have been so employed for one year. The information contained in this affidavit is based upon my personal knowledge and that of other agents and officers.

2. On approximately July 9, 1997, I received information from a reliable confidential source (CS) that two individuals, ALEJANDRA OSORIO VARGAS and MIGUEL JOSE AGUILERA, were scheduled to travel to Aruba on board Air Aruba Flight Number 760 on July 12, 1997, to obtain an unknown quantity of heroin for importation into the United States. The confidential source explained that VARGAS and AGUILERA planned to orally ingest the heroin which was to be wrapped in latex in individual pellets. VARGAS and AGUILERA were then to return to Miami, Florida, via Air Aruba on or about July 14 or 15, 1997. Agents verified that VARGAS and AGUILERA in fact travelled outbound to Aruba on July 12, 1997.

3. From July 14 through July 16, 1997, agents queried flight manifests for passengers ALEJANDRA OSORIO VARGAS and MANUEL JOSE AGUILERA for all inbound Air Aruba flights destined to Miami, Florida from Aruba with negative results.

4. On July 16, 1997, I received information from the confidential source that VARGAS and AGUILERA had arrived at Miami International Airport and were en route to VARGAS' residence on

Miami Beach. The CS explained that AGUILERA intended to pass the pellets of heroin but wished to do so away from Miami International Airport.

5. At approximately 5:30 p.m. on July 16, 1997, I, along with other agents and officers, established surveillance at VARGAS' apartment building located at 934 Michigan Avenue, Miami, Beach, Florida, and at AGUILERA's apartment building located at 632 10th Street, Miami Beach, Florida, approximately three blocks from VARGAS' residence. At approximately 6:10 p.m., I observed AGUILERA walking away from VARGAS's building carrying a travel garment bag and a small compact disk carrying case. I approached AGUILERA, identified myself as a Special Agent with DEA and asked him for identification which he provided.

6. After confirming AGUILERA's identity, AGUILERA spoke with myself and other agents and advised that he had just arrived from Aruba, was just leaving the apartment of the woman with whom he had travelled to Aruba and was en route to his own apartment. AGUILERA admitted to the agents that both he and the woman had ingested heroin. AGUILERA was then placed under arrest.

7. Agents then approached VARGAS' apartment. VARGAS informed the agents that she had just returned from Aruba. VARGAS was then placed under arrest and transported to Mount Sinai Hospital emergency room along with AGUILERA.

8. Both VARGAS and AGUILERA were X-rayed which revealed the presence of pellets in their stomachs and intestinal tracts. From July 16 through July 18, 1997, at Mount Sinai Hospital, VARGAS

passed a total of 65 pellets which contained a substance which field-tested positive for the presence of heroin. During this time, AGUILERA also passed a total of 35 pellets which contained a substance which field-tested positive for the presence of heroin. On July 17, 1997, agents discovered approximately 30 additional pellets of heroin contained within AGUILERA's travel garment bag. In total, agents seized approximately one kilogram of heroin from both VARGAS and AGUILERA.

9. On July 18, 1997, after being advised of their Miranda rights and obtaining counsel, and subsequent to the seizure of the heroin, VARGAS and AGUILERA agreed to cooperate with federal agents in a controlled delivery of the drug to a third person whom the two identified as BERNARDO RAMIREZ. VARGAS and AGUILERA stated that RAMIREZ directed them to Aruba to obtain the heroin and was to receive the drug upon their return to Miami. This information was corroborated by the CS.

10. On July 18, 1997, at approximately 4:45 p.m., VARGAS placed several telephone calls to RAMIREZ which were tape recorded. During these recorded conversations, VARGAS and RAMIREZ discussed establishing a meeting location and time for VARGAS to deliver the heroin to RAMIREZ and how much VARGAS was to be paid for her efforts. RAMIREZ agreed to meet VARGAS at the Aventura Mall in North Miami Beach, Florida, to receive the heroin.

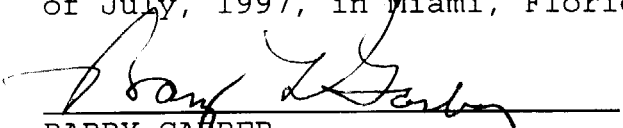
11. At approximately 7:52 p.m., VARGAS and RAMIREZ met inside the mall. The meeting was surveilled by law enforcement officers and tape recorded. VARGAS told RAMIREZ that she had the heroin in

her vehicle in the parking lot and asked RAMIREZ to accompany her. Both walked to the parking lot. RAMIREZ remained a short distance from VARGAS' vehicle. VARGAS retrieved the heroin from her car and walked over to RAMIREZ. The two engaged in a brief discussion. RAMIREZ was then arrested by agents and transported to the Federal Detention Center.

FURTHER AFFIANT SAYETH NAUGHT.


SHAUN PERRY, SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION

Sworn to and subscribed
before me this 15th day
of July, 1997, in Miami, Florida.


BARRY GARBER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
Southern District of Florida

UNITED STATES OF AMERICA)
Plaintiff)

Case Number: CR 97-3244-GARBER

-VS-

REPORT COMMENCING CRIMINAL
ACTION.

RAUL A. BERNARDO
Defendant

42919-004
USMS NUMBER

TO: Clerk's Office MIAMI
U.S. District Court

FT. LAUDERDALE W. PALM BEACH
FT. PIERCE

(circle one of above)

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN
MAGISTRATES COURT ABOVE.

All items are to be completed. Information not applicable or
unknown will be indicated "N/A".

(1) Date and Time of Arrest: 7/18/97 approx 8:00 am

(2) Language Spoken: English / Spanish

(3) Offense(s) Charged: Title 21 USC 841 (a)(1); 846

(4) U.S. Citizen ☒ Yes ☐ No ☐ Unknown

(5) Date of Birth: 6/22/62

(6) Type of Charging Document: (check one)

☐ Indictment ☒ Complaint to be filed/already filed
Case# _____

☐ Bench Warrant for Failure to Appear

☐ Probation Violation Warrant

☐ Parole Violation Warrant

Originating District: Southern District of Florida

COPY OF WARRANT LEFT WITH BOOKING OFFICER ☐ YES ☒ NO

Amount of Bond: \$ _____

Who set Bond: _____

(7) Remarks: _____

(8) Date: 7/18/97 (9) Arresting Officer: S/A Paul Maxwell

(10) Agency: DEA (11) Phone: 305-597-2012

(12) Comments: _____

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